

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TOMMY McGUIRE,

Petitioner,

Case Number: 16-13740

Hon. Matthew F. Leitman

v.

JULIA JONES et al.,

Respondents.

**ORDER DENYING DEFENDANT
A CERTIFICATE OF APPEALABILITY**

On October 12, 2016, Petitioner Tommy McGuire (“McGuire”) filed a petition for a writ of habeas corpus in this Court (the “Petition”). (*See* ECF #1.) The Court then transferred the Petition to the United States District Court for the Middle District of Florida – where McGuire is confined and where McGuire had previously filed a habeas action – by written order (the “Transfer Order”). (*See* ECF #3.) On November 7, 2016, McGuire filed a motion to alter or amend the Transfer Order (the “Motion to Amend”) (*See* ECF #4.) The Court entered a written order denying the Motion to Amend on November 8, 2016 (the “Denial Order”). (*See* ECF #5.) The Court has not yet addressed whether it would grant McGuire a Certificate of Appealability with respect to the Court’s rulings. Through this Order, the Court **DENIES** McGuire such a certificate.

A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To receive a certificate of appealability, “a petitioner must show that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336, (2003) (internal quotes and citations omitted). The Court finds that reasonable jurists could not debate the correctness of this Court’s rulings that McGuire was not entitled to relief in this Court. As the Court explained, “there is simply no basis for any assertion by McGuire that this action may properly be brought and/or maintained in this judicial district and this Court.” (ECF #5 at 1, Pg. ID 56.) Accordingly, the Court declines to issue McGuire a Certificate of Appealability.

IT IS SO ORDERED.

Dated: January 19, 2017

/s/Matthew F. Leitman
 MATTHEW F. LEITMAN
 UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 19, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
 Case Manager
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